

REMARKS

Reconsideration of the application, in view of the above amendments and following remarks is respectfully requested.

The examiner rejects Claims 1-6, 8, 9, 13 and 14 under 35 U.S.C. § 102(e) as being anticipated by Laor '506. The examiner states that Laor discloses a scanning device comprising a functional surface portion and specifically refers to Figs. 22-25 with reference numeral 9 being the mirror; a support structure 14 pivotally supporting said functional surface portion along a first axis by a pair of torsional hinges 13 having a resonant frequency such that said pivoting of said functional surface portion about said pair of torsional hinges pivots about said first axis (along the axis form by 11); at least one first magnet located along said first axis 28; a first magnetic driver located below and cooperating with said at least one first magnet 32 for causing oscillation about said pair of torsional hinges at a selected frequency.

This rejection is respectfully traversed. The examiner has defined the first axis as being established by the torsional hinges 13. A few sentences later the examiner states that the pivoting of the functional surface about the pair of torsional hinges is about the first axis in which the examiner defines the first axis as 11. Looking at Fig. 2A, for example, it is clear that the axes 13 and 11 are orthogonal to each other. Accordingly, it is impossible for the examiner's interpretation to take place.

Simply looking at Fig. 22A, for example, it is clear that the magnets 28 could only cause the functional surface 15 to pivot about the axis 11. This is because the functional surface is only attached to the gimbal 12 by hinges 11. However, the magnets 28 lie along the axis 13. The hinges 13 allow the gimbal 12 to pivot along the frame portion 14. Accordingly, it must be the magnets 30 at the top and bottom of the figure that cause this pivoting action. Those magnets, however, are along the axis 11. In view of the fact that the examiner chose axis 13 as the first axis, magnets located on the orthogonal axis 11 are not along the axis, as recited in Claim 1. However, in order to clarify the claim, applicants have amended Claim 1 to recite that the oscillation about said pair of first torsional hinges is about the first axis at a selected frequency.

The examiner rejects Claims 10-12 under 35 U.S.C. § 103(a) as being unpatentable over Laor. These claims are dependent upon Claim 1. The

patentability of Claim 1 having been shown above, these claims are patentable for the same reason.

The examiner rejects Claim under 35 U.S.C. § 103(a) as being unpatentable over Laor in view of Solgaard et al. This claim is dependent upon Claim 1 and is therefore patentable for the same reasons.

In the examiners response to the arguments, the examiner states that application is reminded that the claim does not require the magnetic driver to be located below the mirror and specifically refers to line 8 of claim 1. Frankly, Applicants are puzzled by this comment. That is because line 8 of claim 1 recites:

“a first magnetic driver located below and cooperating with
said at least one first magnet...” (emphasis added).

Accordingly, the claim specifically recites that the magnetic driver is located below and cooperates with the first magnet by causing the oscillation, in direct contrast to the examiners statement. Accordingly, Applicants believe that the rejection is not proper and should be withdrawn.

An Information disclosure statement is enclosed herewith for another Laor patent that applicant is aware of. In Laor '154, the magnets are polarized perpendicular to the plane of mirror and the axis of rotation, in sharp contrast to the present invention.

Accordingly, Applicants believe that the application, as amended, is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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